

# Notice of Allowability

Application No.

09/688,766

Examiner

Russell Frejd

Applicant(s)

MORIKAWA ET AL.

Art Unit

2128

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment received 3 February 2005.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ The drawings filed on 16 October 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Russell Frejd*  
**RUSSELL FREJD**  
**PRIMARY EXAMINER**

In re Application of: Morikawa et al.

***Allowance of Application # 09/688,766***

1. The following communication is in response to applicant's amendment received 3-February-2005.

***Examiner's Amendment***

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee. Authorization for this Examiner's Amendment was given by Duke Taylor (Reg. No. 31,306) on 26-May-2005.

**2.1 In the Claims:**

claim 1            line 1    Change "An apparatus" to --A computer-implemented apparatus--.

claim 3            line 1    Change "A method" to --A computer-implemented method--.

claim 7            line     Delete "stored with a" and Add --with a computer-executable program  
which stores--.

**2.2 In the Abstract:**

On lines 8, 10, 11, 13 and 15            Change "means" to --module--.

In re Application of: Morikawa et al.

### ***Reasons for Allowance***

3. The following is an Examiner's Statement of Reasons for the indication of allowable subject matter. The instant application is directed to a non-obvious improvement over the invention described in the related prior art, specifically the article authored by Certain et al., entitled *Automatic Body Measurement for Mass Customization of Garments*, the improvement comprising an apparatus and method for extracting an analytic surface having a predetermined configuration from CAD data, wherein surface generation is determined using the analytic surface and non-contact measuring point data to extract a crossing line of surfaces generated during the determining step as the outline. This patentable distinction is included in each of the independent claims, nos. 1, 3 and 5-7. The art of record, either individually or in combination, fails to teach, suggest, or render obvious the useful, concrete and tangible <extracting of an analytic surface having a predetermined configuration from CAD data> having the corresponding structure which is disclosed in the specification and equivalents thereof at least at page 5, line 18 through page 16, line 7, and Figures 1-14. In view of the foregoing, the claims of the present application are found to be patentable over the prior art.

### ***Response Guidelines***

4. Any comments considered necessary by applicant **MUST** be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance".

In re Application of: Morikawa et al.

**4.1 Any response to the Examiner in regard to this allowance should be**

**directed to:** Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, or the examiner's supervisor, Jean Homere, telephone number (571) 272-3780. Inquires of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist (571) 272-2100.

**mailed to:** Commissioner of Patents and Trademarks  
P.O. Box 1450, Alexandria, VA 22313-1450

**or faxed to:** (703) 872-9306

*Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.*

**Date:** 31-May-2005

A handwritten signature in dark ink, reading "RUSSELL FREJD", is written over a horizontal line.

**RUSSELL FREJD  
PRIMARY EXAMINER**